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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)
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First Named Inventor: ALICE O. KIELY	Art Unit: 1761
Application Number: 09/641,410	Examiner: S. WEINSTEIN
Filed: 8/18/2000	
Title: EDIBLE SUPPORTS FOR COMESTIBLES	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ Small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
RESPONSE TO UNAVOIDABLY ABANDONED (identify the type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Alice O. Kiely October 16, 2004
Signature Date

ALICE O. KIELY Registration Number, if applicable
Typed or printed name

71 STONEWALL COURT 914 245-6661
Address Telephone Number

YORKTOWN HEIGHTS, N.Y. 10598
Address

- Enclosure ☒ Fee Payment \$55.00
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ PHOTOCOPIES (12) + POSTCARD

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Oct 16, 2004
Date

Alice O. Kiely
Signature

ALICE O. KIELY
Typed or printed name of person signing certificate



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Alice O. Kiely
Signature

Oct 16, 2004
Date

ALICE O. KIELY
Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

PLEASE SEE ATTACHED

(Please attach additional sheets if additional space is needed.)



In the United States Patent and Trademark Office

Appn. Number: 09/641,410
Appn. Filed: August 18, 2000
Applicant: Alice Mary O'Donnell Kiely
Title: Edible Supports for Comestibles with Optional,
Edible Mess Guards and Drip Guards
Examiner/GAU: Stephen Weinstein/1761

Yorktown Heights, NY, 2004 October 16,

Petition for Revival of Application

The above application is said to have been abandoned, due to Applicant's failure to properly reply to the Office letter mailed on March 9, 2004. Also, (b) a proposed reply was received on June 15, 2004, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

Applicant has not abandoned the above application and does not agree with the Office that it has been abandoned. Enclosed is a response to the received Notice of Abandonment. In addition, Applicant respectfully submits that Applicant's reply of June 15, 2004 was a timely reply in proper parameters, and therefore proper.

Applicant respectfully submits that she was denied her right to be heard when responding to the final Office Action of March 9, 2004. Please see the following:

March 9, 2004 - United States Patent and Trademark Office Final Office Action mailed

June 8, 2004 - (postmark) Applicant filed a Response to the final Office Action of March 9, 2004. This full response included Amendments to the Specification requesting the new information in the final Action be included in the specification for a complete disclosure, claims, prosecution arguments, relative to the Final Action, including seven exhibits, remarks, summary, conclusion, and certificate of mailing.

Applicant's prosecution including seven exhibits needed for swearing behind two cited references in the final Office Action, one to Chan (6,177,110),

the other to Hart et al. (6,054,158). These documents were returned to Applicant several times without being read or considered. These exhibits included:

Exhibit 1 Disclosure Document dated May 30, 1994 SR NBR 357149 documenting the use of a composite edible support for a confection.

Exhibit 2 is a letter from Applicant, dated September 30, 1994, addressed to the Commissioner of Patents and Trademarks, requesting the classification of the above invention.

Exhibit 3 is a response to the letter of Exhibit 2, from the Patent and Trademark Office, Dated October 28, 1994 relating that the invention is in Class 426, subclass 139, and includes 151 patents.

Exhibit 4 is a letter dated on January 24, 1995 addressed to the patent agent firm of Goldstein and Associates in Staten Island, New York. This was correspondence discussing Applicant's invention.

Exhibit 5 is a subsequent letter addressed to Goldstein & Associates, (see Exhibit 4), dated February 1, 1995, requesting a patent search be done for Applicant's invention.

Exhibit 6 is Applicant's Disclosure Document dated July 4, 1996, SR NBR 403049, entitled "Edible Ice Cream Pop Sticks and Chewable Ice Cream Pop Sticks."

Exhibit 7 is a Disclosure Document dated May 1, 1999, stamped 455819 by the Patent and Trademark Office on May 6, 1999, for the same invention.

June 30, 2004 United States Patent and Trademark Office - Customer Service Center separates out Applicant's Prosecution Exhibits 1, 6, 7 from Applicant's Response to the final Office Action and returns it to Applicant undelivered and unread.

N.B. Applicant's Exhibit 1, shows that Applicant had reduced to practice a composite edible support

for a comestible 4 years prior to the earliest conception date of the reference to Chan.
(additionally, Applicant's Exhibit 6, being 2 years prior to Chan)

- June 21, 2004 (postmark) postmark)The United States Patent and Trademark Office - Technical Information Specialist **removes** Applicant's exhibit letters from the response to the final Office Action Exhibits 2-5 and returns them to Applicant without being delivered to the Examiner, or file jacket. Exhibits are returned by Carrie A. Green.
- June 28, 2004 (Postmark)Applicant returns all the erroneously returned Exhibits again to the United States Patent and Trademark Office. Applicant marked each and every exhibit with an 4 by 6 brightly colored postcard stapled to the documents with explicit instructions to deliver the Exhibits to the Examiner and to not to be sent back to Applicant.
- July 7, 2004 Applicant called The United States Patent and Trademark Office, Customer Service Center, and was told I couldn't be helped due to the lack of an employee identification number, which did not accompany the sender's name on the returned correspondence.
- July 19, 2004 (postmark)The United States Patent and Trademark Office again **returns** Exhibits 1, 6, and 7. Exhibits 1, 6 and 7 are again returned from the Customer Service Center by Noemi Rocha. Well identified Exhibits for prosecution are **removed** * and stamped "CANCELED" including on the colored postcards explaining where they should be directed, and were returned to Applicant. Receipt postmarks stamped on Exhibit Disclosure Documents at the time of 1994 were stamped "CANCELED," after being deposited as Exhibits to the final Office Action on June 8, 2004 and **returned** to Applicant, again, undelivered and unread. *

Applicants cover letter with reason for resending the prosecution Exhibits on paper with the proper heading including Applicant's Name, Title of Invention, Applicant's application number and Examiner/GAU was stamped "CANCELLED" with a USPTO dated stamp of July 12, 2004, and **returned** to Applicant.

July 20, 2004 United States Patent and Trademark Advisory Action sent. The Advisory notes, (See #6) "the affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection."

Contrarily, Applicant's **returned** Exhibits were "directed SOLELY to issues which were newly raised by the Examiner in the final rejection." Patent (6,177,110) to Chan WAS *newly raised* as relied upon art, by the Examiner in the final Office Action, although listed among the references. Applicant addressed each of the Non-applied art references, including the patent to Chan in Amendment C, page 47, *although not brought up by the Examiner*, for a full response. Applicant sent seven Exhibits in Amendment D in direct response to Examiner's use of Chan as relied upon art for the first time in the final Office Action (See final Office Action Summary page 2, para. 3 as well as prior Office Actions) * Applicant also responded to the reference to Hart in her response of August 18, in Amendment C, on May 23, 2003, requesting it be removed as a prior art reference, *noting Applicant's three dated Disclosure Documents*. Applicant addressed every reference of every Office Action at the time of the response to each Office Action, including cited, but not relied upon art. Applicant has complied fully to every aspect of the Office Actions.

Applicants application is said to be abandoned for not replying on time. Applicant filed a full response as Amendment D on June 8, 2004, three months prior to the due date (above).

The final Office Action notes: "It is noted that applicant has requested help from the examiner. Beside the fact applicant either has had some experience prosecuting applications or has had experienced help, as evidenced by the fairly accomplished communications, the Office provides help or makes suggestions relative to patentability, if the Office has discerned allowable subject matter. As of now, that has not been the case." *

Prior to the time of the Office Advisory, and Notice of Abandonment, applicant had fully prosecuted all the references, and in her opinion saw that there was no prior art relative to sections 35 U.S.C 102, or 35 U.S.C 103 that would have prevented the advancement of her application under these sections, and that her application contained patentable material.

Applicant made bona fide, but unknowingly unpermissive, changes to the claims in order to distinguish the claims of the above application from Applicant's divisional applications stemming from the above application, in order to put the application in compliance, separate from the divisionals, which was noted in Amendment D under Remarks, paragraph 2.

The Advisory Action states:

2. The proposed amendment(s) will not be entered because:

(a) they raise new issues that would require further consideration and/or search (see NOTE below)...

(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or ...

6. The affidavit... (see above)

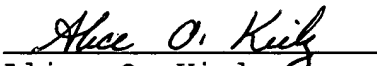
Additionally, although assistance was requested by Applicant, pursuant to M.P.E.P. Section 706.03(d) and Section 707.07(j) in Amendment C, pg. 52, (and above), and a full and timely compliance has been met with every single issue by Applicant, with seemingly patentable material present, the application was denied due to the new recitations in the claims, (advisory action page 2). This could have been remedied by an assisting phone call, (as requested, pursuant to M.P.E.P. Section 706.03(d) and Section 707.07(j)), and Applicant's resubmission of the claims without the new recitations, putting the application in condition for allowance, without further delay.

N.B. This application was also delayed earlier by a loss of Applicant's 19/19 drawing sheet printed on postcard weight paper.

Applicant therefore respectfully submits the above reasons for the Petition for Revival of an Application for a Patent Abandoned Unavoidably under 37 CFR 1.137(a).

Pertinent portions of documents are enclosed.

Very Respectfully,


Alice O. Kiely

71 Stonewall Court
Yorktown Heights, NY 10598
Tel. (914) 245-6661
Fax (914) 245-4482

Certificate of Mailing: I certify that on the date below, this document and referenced attachments, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Assistant Commissioner for Patents" Arlington, Va. 22313

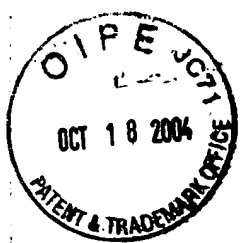
October 16, 2004



Alice O. Kiely

encl: Return Postcard

Twelve pages of pertinent response documentation



BEST AVAILABLE CO.

THE FOLLOWING DEPOSITED TODAY AT THE
USPTO:

AMENDMENT D for EDIBLE SUPPORTS for
COMESTIBLES COMPRISING 85 PAGES of
RESPONSE, INCLUDING A SWEARING BEHIND
DOCUMENT & OATH, SEPERATE OATH for
AMENDMENT D and CERTIFICATE of
MAILING ON JUNE 8, 2004.

ALSO INCLUDED 7 EXHIBITS
FOR SWEARING BEHIND.



THE FOLLOWING RECEIVED TODAY AT
THE USPTO.

THREE RETURNED EXHIBITS, DD JULY 5, '94,
DD JULY 29, 1996, DD MAY 6, 1999 - FIRST
SENT ON JUNE 8, 2004 IN AMENDMENT D
FOR APPLICATION 09/041,410 (8-18-2000)

COPY OF NOTICE FROM CUSTOMER
SERVICE LETTER ON RETURNED
EXHIBITS 6-30-04
COVER LETTER FROM APPLICANT
RE RETURNED EXHIBITS



ptional,

Yorktown Heights, NY, July 8, 2004

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Sir:

After responding to the previous correspondence of June 28,
Applicant's remaining three exhibits that were sent by Applicant
on June 8, 2004, as part of a timely response to an Office Action
(due June 9, 2004), were also returned to Applicant. The enclosed
three exhibits (three Disclosure Documents USPTO stamped: July 5,
1994, July 29, 1996 and May 6, 1999) were removed from
Applicant's Amendment D, which had seven exhibits, and were sent
back to Applicant by the Customer Service Center, as rejected
Disclosure Documents, noting that a \$10.00 fee must be paid for

BEST AVAILABLE COPY

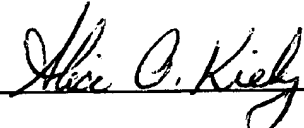
each Disclosure. Applicant's seven exhibits were mailed back in two separate mailings, postmarked June 21, 2004, and July 1, 2004. These exhibits were to be placed in the Applicant's Patent Pending file wrapper, along with the other documents mailed by Applicant in the same envelope containing Amendment D for the above application, to be reviewed by the above examiner. Each of these exhibits were plainly labeled as exhibits with colored index cards and were enclosed with Applicant's Amendment D.

Also, please find attached a copy of the Disclosure Document form from the Customer Service Center, that Applicant received with her three most recently returned exhibits, above.

Applicant called the Customer Service Center on July 7, 2004 to remedy the matter, but couldn't be helped by the Customer Service Center due to a lack of an employee identification number, which did not accompany the sender's name on the returned correspondence from the Customer Service Center.

Please resubmit the enclosed three exhibits into Applicant's file as soon as possible, in order to place the above application in allowable condition and without the need for further proceedings.

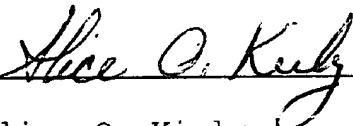
Very respectfully,



Alice O. Kiely

Certificate of Mailing: I certify that on the date below, this document and referenced attachments, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Assistant Commissioner for Patents" Arlington, Va. 22313

July 8, 2004



Alice O. Kiely

71 Stonewall Court
Yorktown Heights, NY 10598

encl:

- Exhibits 1, 6, and 7 Disclosure Documents (above)
- Copy of Disclosure Document form letter sent to Applicant with returned exhibits from the USPTO Customer Service Center, postmarked July 1, 2004
- Itemized return receipt post card



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Dear Alice:

Your Disclosure Document request has not been processed for the following reasons:

- ☒ The required fee of \$10.00 was not received by the Office. Please return your Disclosure Document with the \$10.00 fee and a self addressed stamped envelope to the address listed below.
- ☐ An incorrect fee was received by the Office, your submission including any fee is being returned. Please resubmit your disclosure document with a fee of \$10.00 and a self addressed stamped envelope to the address listed below.
- ☐ Oversized papers are not acceptable, a Disclosure Document should be submitted on white letter size 8 1/2 x 11-inch or A4 (21.0 by 29.7 cm) paper, written on one side only. Please resubmit your disclosure document on the appropriate size paper with a fee of \$10.00 and a self addressed stamped envelope to the address listed below.
- ☐ Attachments such as videotapes and models are not accepted and are being returned at this time. Please resubmit your disclosure document on the appropriate size paper with a fee of \$10.00 and a self addressed stamped envelope to the address listed below.
- ☐ No written description was received. The description should contain a clear explanation of the manner and process of making and using the invention in sufficient detail. When necessary, drawings or sketches should be included.
- ☐ Disclosure Documents are not renewable or extendable.
- ☐ Photocopying of Disclosure Document is only available for the two year period. Copies are not available beyond two years.

All correspondence pertaining to your Disclosure Document should be mailed to:

Assistant Commissioner of Patents
Box DD
Washington, DC 20231

If you have any questions, please contact Customer Service at (703) 308-1202, Monday through Friday, 8:30 AM to 5:00 PM.

Sincerely,

Customer Service Center
Office of Initial Patent Examination

Disclosure Document Deposit Request

Mail to:

**Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Inventor(s): _____

Title of Invention: _____

Enclosed is a disclosure of the above-titled invention consisting of _____ sheets of description and _____ sheets of drawings. A check or money order in the amount of _____ is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

Signature of Inventor

Address

Typed or printed name

Address

Date

City, State, Zip

NOTICE OF INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

Your Disclosure Document will be retained for two years after the date it was received by the United States Patent and Trademark Office (USPTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a letter of transmittal in a new patent application or by a separate letter filed in a pending application. Unless it is desired to have the USPTO retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his/her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the USPTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20402. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

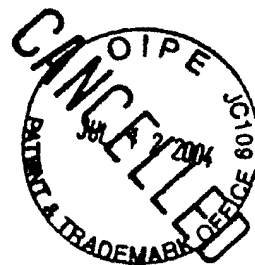
There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which have collections of patents and patent-related reference materials available to the public, including automated access to USPTO databases. Publications such as *General Information Concerning Patents* are available at the PTDLs, as well as the USPTO's Web site at www.uspto.gov. To find out the location of the PTDL closest to you, please consult the complete listing of all PTDLs that appears on the USPTO's Web site or in every issue of the Official Gazette, or call the USPTO's General Information Services at 800-PTO-9199 (800-786-9199) or 703 308-HELP (703-308-4357). To ensure assistance from a PTDL staff member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours.

Burden Hour Statement: This collection of information is used to file (and by the USPTO to process) Disclosure Document Deposit Requests. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

KIELY 09/641,410 USPTO

EXHIBIT 1 DD 8/5/1994



N.B.

THIS IS AN EXHIBIT TO AN
AMENDMENT.

FORWARD TO EXAMINER NOT
APPLICANT IN ITS ENTIRETY

THIS CARD TO BE REMOVED BY EXAMINER
ONLY

Office

Optional,

KIELY 09/641,410

EXHIBIT 6 DD 7/29/1994



N.B.

THIS IS AN EXHIBIT TO
AMENDMENT

PLEASE FORWARD TO EXAMINER
S. WEINSTEIN NOT APPLICANT IN
ITS ENTIRETY.

THIS CARD TO BE REMOVED BY EXAMINER
ONLY

Office

Optional,



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Alice Mary O'Donnell Kiely
71 Stonewall Court
Yorktown Heights, NY 10598-1819

Dear Ms. Kiely:

This is in response to your request for information.

Your letters are enclosed. Your correspondences were dated back to 1994 and 1995, exhibits 2-5. I do not understand what type of current information you are requesting. If you can clarify your request, we will be more than pleased to assist you. Your request should be addressed as follows:

United States Patent and Trademark Office
Patent Search Room
Crystal Plaza 3 - 1A03
P.O. Box 1450
Arlington, VA 22313-1450

A copy of the enclosed circular entitled "Obtaining Information From Patents." Your attention is directed to sections 13, 19 of the circular.

Sincerely,

Carrie A. Green
Technical Information Specialist
Patent Search Room
(703) 305-4463

Sent June 28, 2004

On the United States Patent and Trademark Office

Appn. Number: 09/641,410
Appn. Filed: August 18, 2000
Applicant: Alice Mary O'Donnell Kiely
Title: Edible Supports for Comestibles with Optional,
Edible Mess Guards and Drip Guards
Examiner/GAU: **Stephen Weinstein/1761**

Yorktown Heights, NY, June 28, 2004

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Sir:

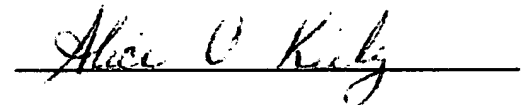
Enclosed please find four exhibits that were sent by Applicant on June 8, 2004 as part of a timely response to an Office Action (due June 9, 2004). These four exhibits apparently were taken out of Applicant's Amendment D, which had seven exhibits, and were sent back to Applicant by the Patent Search Room. These exhibits were to be placed in the Applicant's Patent Pending file wrapper, along with the other documents mailed in the same envelope containing Amendment D for the above application, to be reviewed by the above examiner. Each of these exhibits were plainly

labeled as exhibits with colored index cards and were enclosed with Applicant's Amendment D.

Also, please find attached a copy of the letter that Applicant received with her returned four exhibits.

Please resubmit the enclosed four exhibits into Applicant's file as soon as possible, in order to place the above application in allowable condition and without the need for further proceedings.

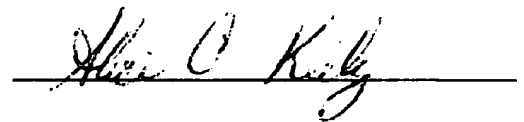
Very respectfully,

A handwritten signature in cursive script, reading "Alice O. Kiely", is written over a horizontal line.

Alice O. Kiely

Certificate of Mailing: I certify that on the date below, this document and referenced attachments, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Assistant Commissioner for Patents" Arlington, Va. 22313

June 28, 2004

A handwritten signature in cursive script, reading "Alice O. Kiely", is written over a horizontal line.

Alice O. Kiely

encl.:

-Exhibits 2-5



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Dear Alice

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- ☐ An incorrect fee was received by the Office, your submission including any fee is being returned. Please resubmit your disclosure document with a fee of \$10.00 and a self addressed stamped envelope to the address listed below.
- ☐ Oversized papers are not acceptable, a Disclosure Document should be submitted on **white letter size 8 1/2 x 11-inch or A4 (21.0 by 29.7 cm) paper**, written on one side only. Please resubmit your disclosure document on the appropriate size paper with a fee of \$10.00 and a self addressed stamped envelope to the address listed below.
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